

## **EXHIBIT 3**

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**From:** Jeannie Evans <jeannie@hbsslaw.com>  
**Sent:** Tuesday, February 6, 2024 2:42 PM  
**To:** Turner, Serrin (NY)  
**Cc:** Feinerman, Gary (CH); Mester, Mark (CH); Valenti, Matthew (NY); Doug Smith  
**Subject:** RE: Ziboukh v. Whaleco - briefing schedule

Hi Serrin,

As we previously discussed, Plaintiffs may seek discovery in order to respond to Defendants' motion, and thus we believe that entry of a briefing schedule is premature at this time.

Accordingly, the parties should make a joint submission. We propose alerting the court that the parties will propose a schedule after Plaintiffs have an opportunity to review Defendants' motion. The submission can be included with the parties' 2/23 joint status report or earlier.

Thank you for providing copies of Temu's privacy policy and terms of use.

Best,  
Jeannie

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**Jeannie Evans** | Hagens Berman Sobol Shapiro LLP | (708) 628-4966

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**From:** Serrin.Turner@lw.com <Serrin.Turner@lw.com>  
**Sent:** Monday, February 5, 2024 5:45 PM  
**To:** Jeannie Evans <jeannie@hbsslaw.com>  
**Cc:** Gary.Feinerman@lw.com; mark.mester@lw.com; Matthew.Valenti@lw.com  
**Subject:** Ziboukh v. Whaleco - briefing schedule

Jeannie,

As you know, we are filing our motion to compel arbitration on Friday (Feb. 9). Please let us know whether you will agree to any briefing schedule in advance of our filing the motion. As previously discussed, Judge Durkin requires as follows: "[C]ounsel must confer prior to the filing of all motions and include an agreed briefing schedule with the motion if at all possible. If agreement cannot be reached, the parties should indicate their positions on scheduling in a joint submission filed with the motion."

Unless your position has changed, we will need to prepare a joint submission. Our position in any such submission will be that the court should enter the briefing schedule the parties previously agreed to (as per the attached email correspondence, which we would append to the submission). You will need to explain why you now refuse to agree to that schedule (or even propose an alternative). As a reminder, the previously agreed-upon briefing schedule was as follows:

1. Tuesday, March 26, 2024: Plaintiffs' deadline to oppose Temu's motion to compel
2. Monday, April 16, 2024: Defendants' deadline to reply

It seems to us that this schedule provides Plaintiffs with ample time to respond to our motion, which will only be 15 pages in length. However, we remain open to discussing an alternative schedule, if you wish to propose one.

Separately, please find enclosed, to the best of our client's knowledge, all prior versions of Temu's Terms of Use and Privacy Policy on Temu's U.S. site since its launch. Please note that we are providing these documents as a courtesy, without waiving any rights.

Thanks,

Serrin

**Serrin Turner**

**LATHAM & WATKINS LLP**

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